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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,556	02/02/2001	Elizabeth B. Diaz	10005399-1	8054

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

09/773,556

Applicant(s)

DIAZ ET AL.

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 & 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyai et al., [U.S. Patent No. 5,139,319] in view of Korinsky et al., [U.S. Patent No. 5,964,513] and Johnson [U.S. Patent No. 3,803,670]. After reviewing the prosecution history and the amendments to the claims to date, the examiner now takes the position that a computer case and its particulars i.e., side panels, are positively being claimed in all the claims of record. Miyai (figures 1-17) teaches of an appliance casing (fig. 1) comprising: side panels (3, 4), a plurality of cover panels (20) made from a thermoplastic material to be solely attached to the side panels, corresponding holes (22 e.g.,) located in the respective panels; and a plurality of fasteners (21) for securing the cover panels to a respective side panel via the holes.

Miyai teaches applicant's inventive claimed structure as disclosed above, including the cover panel's interior surface having the same shape as the exterior surface of the side panel, a cover panel having a vent [viewed as one of the holes when a fastener is not inserted] corresponding to a vent in a side panel [viewed as the corresponding hole with no fastener], and the panels being molded in a variety of different colors or patterns; but Miyai does not disclose the appliance casing as being a "computer case" or show the fasteners used to attach the cover panels to the side panels as being "elastomeric feet" as prescribed and defined by applicant.

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Korinsky (figures 1-12) is cited for teaching applicant's use of a cover panel (fig. 12) to be attached to a side panel (fig. 11) of a computer case. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize removable panels on a varying array of apparatuses as taught by Korinsky because the arrangement of using a cover panel on a side panel of a computer case further demonstrates that the knowledge to provide removable panels in a computer environment depending upon a personal preference, design consideration or intended application was known in the art.

As to the elastomeric feet, Johnson (figures 1-5) teaches the use of a resilient and flexible "foot" having a cover portion (24), legs (26) extending from the cover portion and a shoulder portion (28) at the ends of each leg. The fastener is used to fasten two adjacent panels together. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a flexible foot [fastener] as taught by Johnson to secure adjoining panels of an appliance/computer casing since this arrangement would allow the panels to be fastened together without the use of tools, thereby conserving time [during assembly] and saving money [labor costs associated with assembly].

It is noted that the method of preparing [painting] elements of the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Conversely, the examiner has previously pointed out that Miyai teaches the use of differently colored/patterned panels. As to the "method of installing a panel", the examiner has taken the position that the prior art substantially teach the structural elements of applicant's invention and that the

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normal use of prior arts structure [as disclosed in column 4 of Miyai for example]
inherently encompasses the same steps as prescribed by applicant.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abbound describes a modular computer case.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
February 20, 2004